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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 TOMMY ROY KEETON,

11 Plaintiff,

No. CIV S-04-0758 GEB EFB P

12 vs.

13 FORSYTHE, et al.,

14 Defendants.

ORDER

15 _____/
16 Plaintiff is a prisoner without counsel seeking relief for civil rights violations. *See* 42
17 U.S.C. § 1983. On April 17, 2007, defendants filed a motion to dismiss this action upon the
18 ground that plaintiff failed to exhaust available administrative remedies prior to filing suit. *See*
19 Fed. R. Civ. P. 12(b); 42 U.S.C. § 1997e(a). Plaintiff has not responded.

20 On June 4, 2007, the court found that plaintiff failed to file an opposition or a statement
21 of no opposition to defendants' motion and directed him to do so within 20 days. The court also
22 warned plaintiff that failure to follow this court's orders or the Local Rules of this Court could
23 result in dismissal. On July 31, 2007, after plaintiff again failed to file an opposition or
24 statement of no opposition, the court recommended that this action be dismissed without
25 prejudice. On August 24, 2007, plaintiff requested an extension of time in which to file his
26 opposition to defendants' motion to dismiss, asserting that his "lack of access to his legal work"

1 and lack of law library access interfered with his ability to file an opposition to defendants'
2 motion to dismiss. The court will accommodate plaintiff with one more opportunity to file an
3 opposition or statement of no opposition to defendants' motion to dismiss. There shall be no
4 further extensions of his time to do so.

5 Accordingly, it is ORDERED that:

- 6 1. The July 31, 2007, findings and recommendations are vacated; and
- 7 2. Plaintiff has 21 days from the date this order is served to file an opposition to
8 defendants' motion to dismiss. Failure to file an opposition to defendants' motion to dismiss
9 will result in a recommendation that this action be dismissed.

10 Dated: October 12, 2007.

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12 EDMUND F. BRENNAN
13 UNITED STATES MAGISTRATE JUDGE
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